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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/405,237

09/23/1999

JOHN K. RENWICK

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06/23/2005

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER

PHILPOTT, JUSTIN M

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/405,237

Applicant(s)

RENWICK ET AL.

Examiner

Justin M. Philpott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view applicant's canceling claims 1-30 and adding new claims 31-36. New claims 31-36 are rejected in the following office action in view of newly cited prior art.

Claim Objections

2. Claims 31, 34 and 36 are objected to because of the following informalities: "LSP; (b) associating" (claim 1, lines 7-8) should be changed to "LSP; and (b) associating"; it appears that "a mechanism" (claim 34, line 6) should be changed to "a mechanism for"; and it appears that "The system of claim 32" (claim 36, line 1) should be changed to "The system of claim 34". Appropriate correction is required.

3. Claim 35 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It appears that claim 35 should be amended to be dependent upon claim 34 instead of claim 32.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 31-36 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,721,269 by Cao et al.

Regarding claim 31, Cao teaches in a data-packet network having a label-switching sub-network with one ingress node (e.g., LSRS, see FIG. 1) and one egress node (e.g., LSRE) (e.g., see also col. 8, lines 37-41), with at least two nodes (e.g., LSRA and LSRC) internal to the sub-network connected by a plurality of parallel links (e.g., see col. 6, lines 1-23), a method for routing packets through the sub-network and the parallel links while ensuring in-order delivery for unique packet flow defined by unique source/destination pairs, comprising the steps of: (a) creating a sufficient number of label-switched paths (LSPs) (e.g., S-A-B-E and S-C-D-E, see col. 6, lines 1-23) from the ingress node (e.g., LSRS) to the egress node (e.g., LSRE) that each packet flow may have a unique LSP (e.g., see col. 6, lines 16-23; and col. 8, lines 37-41); and (b) associating each packet flow with one of the created LSPs (e.g., see col. 10, line 1 – col. 11, line 15 regarding primary ERLSP, S-A-B-E, comprising a selected flow, and a secondary or backup ERLSP comprising a protected/backup/secondary flow).

Regarding claim 32, Cao teaches the number of LSPs created (e.g., two, S-A-B-E and S-C-D-E, see col. 6, lines 5-10) is equal to the least-common multiple of the number of links between each individual node in the node path (e.g., two, wherein each of nodes in node paths in FIG. 1 include at least two links, noting that LSRF is not included in node path).

Regarding claim 33, Cao teaches adding a mask value (e.g., mask value 304, see col. 9, lines 14-19 and prior art FIG. 2) to a label value in the process of setting up an LSP may be implemented, and further, Cao teaches the LSPs are all created in response to a single signal (e.g., Label Request Message) sent from the ingress node (e.g., see col. 5, line 7 – col. 8, line 56).

Regarding claim 34, Cao teaches a routing system in a data-packet network having a label-switching sub-network with one ingress node (e.g., LSRS, see FIG. 1) and one egress node (e.g., LSRE) (e.g., see also col. 8, lines 37-41), with at least two nodes (e.g., LSRA and LSRC) internal to the sub-network connected by a plurality of parallel links (e.g., see col. 6, lines 1-23), the system comprising: a mechanism for creating a sufficient number of label-switched paths (LSPs) (e.g., S-A-B-E and S-C-D-E, see col. 6, lines 1-23) from the ingress node (e.g., LSRS) to the egress node (e.g., LSRE) that each packet flow may have a unique LSP (e.g., see col. 6, lines 16-23; and col. 8, lines 37-41); and a mechanism for associating each packet flow with one of the created LSPs (e.g., see col. 10, line 1 – col. 11, line 15 regarding primary ERLSP, S-A-B-E, comprising a selected flow, and a secondary or backup ERLSP comprising a protected/backup/secondary flow).

Regarding claim 35, Cao teaches the number of LSPs created (e.g., two, S-A-B-E and S-C-D-E, see col. 6, lines 5-10) is equal to the least-common multiple of the number of links between each individual node in the node path (e.g., two, wherein each of nodes in node paths in FIG. 1 include at least two links, noting that LSRE is not included in node path).

Regarding claim 36, Cao teaches adding a mask value (e.g., mask value 304, see col. 9, lines 14-19 and prior art FIG. 2) to a label value in the process of setting up an LSP may be

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implemented, and further, Cao teaches the LSPs are all created in response to a single signal (e.g., Label Request Message) sent from the ingress node (e.g., see col. 5, line 7 – col. 8, line 56).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

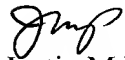
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

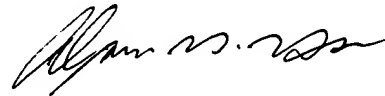
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin M Philpott



ALPUS H. HSU
PRIMARY EXAMINER